

RESOLUTION NO. 2023-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA ADOPTING A MITIGATED NEGATIVE DECLARATION, MITIGATION MONITORING AND REPORTING PROGRAM, AND A RESPONSE TO COMMENTS AND ERRATA; AND AUTHORIZING ACQUISITION OF APPROXIMATELY 5.61 ACRES OF LAND FROM THE OCEAN VIEW CEMETERY FOR THE DEVELOPMENT OF THE EUREKA OPERATIONS COMPLEX

WHEREAS, the City of Eureka is proposing to acquire approximately 5.61 acres of land (APN 019-341-008 and a portion of APN 019-341-007) from the Ocean View Cemetery (Ocean View Sunset Memorial Association Inc.); and

WHEREAS, the subject land is located east of Broadway (US 101), west of Weiler Road, and north of Lost Coast Brewery (1600 Sunset Drive); and is designated Public Quasi Public (PQP) and zoned Public Facilities (PF); and

WHEREAS, the City intends to build a new Eureka Operations Complex on the acquisition site; and

WHEREAS, the City's aging corporation yard, which is currently at risk of flooding and liquefaction, would be relocated to the new facility, which would also include administrative offices and serve as the City's emergency operations center during critical incidents, emergencies, and natural disasters; and

WHEREAS, pursuant to California Government Code §65402 and Eureka Municipal Code §152.01, the Planning Commission provided analysis pertaining to the conformance of the acquisition and subsequent development of the site with the City of Eureka 2040 General Plan, and at a Special Meeting on October, 23, 2023, adopted Resolution No. 2023-28 finding the project furthers a number of 2040 General Plan goals and policies related to minimizing risk to hazards and developing underutilized properties, and is consistent with the remainder of the General Plan's goals and policies; and

WHEREAS, the decision by the City Council to acquire real property is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, in accordance with §§15063 and 15070 of the CEQA Guidelines, a draft Initial Study/ Mitigated Negative Declaration (IS/MND) (ED-23-0018) was prepared for the proposed project, which includes both the acquisition and subsequent development of City facilities at the site; and

WHEREAS, the draft IS/MND for this project was submitted to the State Clearinghouse (SCH No. 2023090278) on September 13, 2023 for a public comment period which

ended on October 16, 2023; and, a notice of the 30-day local comment period on the draft IS/MND, and Notice of Intent (NOI) to Adopt the MND and hold a public hearing on the project at the November 7, 2023 regular City Council meeting, was posted at the Humboldt County Clerk's office on September 13, 2023, and mailed to property owners within 300 feet of the project site on September 15, 2023; the notice was also posted on the City's website and a copy of the ISMND was posted on the website and available for review in the City Hall lobby; and

WHEREAS, the City received a number of written and verbal comments during the CEQA public comment period, and a Response to Comments and an Errata to make a minor correction to the MND was prepared; and

WHEREAS, the MND was prepared for this project pursuant to the provisions of CEQA and reflects the City of Eureka's independent judgment and analysis; and

WHEREAS, the MND concluded that with mitigation, no substantial adverse environmental impact will result from the proposed project; and

WHEREAS, the Planning Commission, at a special meeting on October 23, 2023, considered the draft IS/MND pursuant to CEQA Guidelines §15074(a) before adopting Resolution No. 2023-28 making their General Plan conformance determination and directing staff to report the Commission's determination, and any comments, to City Council; and

WHEREAS, on November 7, 2023, at their regular meeting, the City Council of the City of Eureka continued the public hearing to a special meeting of the City Council on November 21, 2023 at 4:30 p.m. in the Council Chambers; and

WHEREAS, the City Council of the City of Eureka held a duly noticed public hearing at City Hall in the City of Eureka on November 21, 2023 at 4:30 p.m. via Zoom and in person in the Council Chamber; and

WHEREAS, the City Council of the City of Eureka has reviewed the proposed project, and, on the basis of the whole record, including the Initial Study, the comments received, the Response to Comments and Errata, and all testimony, evidence, and reports offered at the public hearing, does hereby find and determine there is no substantial evidence that the project will have any significant effects on the environment with implementation of the mitigation measures; and

WHEREAS, the documents and other material which constitute the record of proceedings upon which the City Council's decision is based are maintained at City of Eureka Public Works - Engineering and/or Development Services - Planning, 531 K Street, Eureka, CA.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Eureka does hereby:

1. Adopt the Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, and Response to Comments and Errata for the acquisition and subsequent development of the Eureka Operations Complex; and
2. Authorize and direct the purchase of the approximately 5.61-acre project site including APN 019-341-008 and a portion of APN 019-341-007 for the sale price of \$1,402,500 (\$250,000 per acre).

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 21st day of November, 2023 by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

Kim Bergel, Mayor of the City of Eureka

Attest:

Pamela J. Powell, City Clerk

Approved as to Administration:

Approved as to form:

Miles Slattery, City Manager

Autumn Luna, City Attorney